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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE
CHANGE
Fifth session, second part
New York, 30 April-9 May 1992

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE ON THE WORK OF THE SECOND PART OF ITS FIFTH SESSION, HELD AT NEW YORK FROM 30 APRIL TO 9 MAY 1992*

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* The report of the first part of the fifth session of the Committee, which was held in New York from 18 to 28 February 1992, is contained in document A/AC.237/18 (Part 1). The text of the United Nations Framework Convention on Climate Change and Committee resolution INC/1992/1 (annexes I and II to the present report) have been issued under the symbol A/AC.237/18 (Part II)/Add.1 and Corr.1.

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I. INTRODUCTION

1. The second part of the fifth session 1/ of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change was held in New York from 30 April to 9 May 1992. The meeting was convened in pursuance of General Assembly resolutions 45/212 of 21 December 1990 and 46/169 of 19 December 1991, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989. 2/

2. The Bureau of the Committee elected at the first session consists of:

Chairman: Mr. Jean Ripert (France)

Vice-Chairmen: Mr. Chandrashekhar Dasgupta (India)
Mr. Ahmed Djoghlaf (Algeria)
Mr. Ion Draghici (Romania)
Mr. Raul Estrada-Oyuela (Argentina)

Rapporteur: Mr. Ion Draghici (Romania)

3. The Bureaux of Working Groups I and II elected at the second session consist of:

Working Group I

Co-Chairmen: Mr. Nobutoshi Akao (Japan)
Mr. Edmundo de Alba-Alcaraz (Mexico)

Vice-Chairman: Mr. M. Mahmoud Ould El Ghaouth (Mauritania)

Working Group II

Co-Chairmen: Ms. Elizabeth Dowdeswell (Canada)
Mr. Robert F. Van Lierop (Vanuatu)

Vice-Chairman: Mr. Maciej Sadowski (Poland)

1/ The first part of the fifth session was held from 18 to 28 February 1992 in New York.

2/ For the reports of the first to fourth sessions and the first part of the fifth session, see A/AC.237/6 and Corr.1, A/AC.237/9, A/AC.237/12 and Corr.1, A/AC.237/15 and Corr.1 and A/AC.237/18 (Part I).

II. ORGANIZATIONAL MATTERS

A. Agenda

4. The agenda for the fifth session was adopted at the 1st plenary meeting, on 18 February 1992, and is contained in paragraph 9 of document A/AC.237/18 (Part I).

5. Only the following agenda items from the first part of the fifth session remained open for consideration and action at the second part of the session:

2. Organizational matters:

   (b) Organization of work;

   (c) Future work.

3. Completion of a framework convention on climate change.

4. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing countries;

   (b) Trust fund for the negotiating process.

5. Adoption of the report.

B. Organization of negotiations

6. At the 5th plenary meeting, on 30 April 1992, in resuming the fifth session, the Chairman, Mr. Jean Ripert, emphasized the political importance of the decisions confronting the Committee. The Committee was now entering the last phase of its mandate which, he recalled, was to prepare a convention for signature at the United Nations Conference on Environment and Development in response to General Assembly resolution 45/212.

7. The Executive Secretary then introduced the new documentation before the Committee, in particular the revised text under negotiation contained in annex II of document A/AC.237/18 (Part I) and the related technical review contained in document A/AC.237/Misc.21 and Add.1 (annex III of this report contains a list of the documents before the second part of the fifth session).

8. At its 5th and 6th plenary meetings, on 30 April and 2 May, the Chairman introduced his proposed working papers on a draft convention (A/AC.237/CRP.1 and Add.1-8). The draft package arose out of extensive consultations in the inter-sessional period and broad-based requests to the Chairman to produce a clean negotiating text for the resumed session that could assist in moving the Committee towards agreement. The Committee had been advised that the

Chairman's text did not in any way invalidate the revised text circulated in annex II of document A/AC.237/18 (Part I). Rather, by merit of the absence of brackets, it was an effort to advance the negotiating process by incorporating points of convergence and building bridges among different points of view. The Chairman emphasized that he had taken the entire process and debate thus far into full account, including the technical review by the secretariat, and that almost all of the language in the new draft was already familiar to delegations.

9. A number of delegations expressed their appreciation of the Chairman's efforts, and Committee members indicated their flexibility and willingness to consider proceeding on this new basis.

10. The Committee concurred with the following proposals of the Chairman for the organization of work at the second part of the session:

(a) All work would be carried out under the direct supervision of the Plenary;

(b) This work would proceed initially under three clusters in the form of informal consultations: one cluster dealing essentially with the preamble, principles and objective, under Vice-Chairman Djoghlaf; another dealing with commitments, financial mechanism and communication of information related to implementation, under the Chairman; and the third with institutional provisions and final clauses, under Vice-Chairman Estrada-Oyuela. The resulting text would require a comprehensive legal, linguistic and editorial review, to be carried out in informal consultations under Vice-Chairman Estrada-Oyuela;

(c) Ms. Dowdeswell, Co-Chairman of Working Group II, would consult interested delegates on the arrangements for the conclusion of the session, including the preparation of any report to the United Nations Conference on Environment and Development, as well as on arrangements for signature of the convention in Rio de Janeiro and on possible interim arrangements to follow the signature of the convention;

(d) Mr. Sadowski, Vice-Chairman of Working Group II, would hold further consultations on definitions.

C. Attendance

11. The second part of the fifth session was attended by representatives of the following States:

Algeria
Angola
Antigua and Barbuda
Argentina
Australia
Austria
Bangladesh
Barbados
Belarus
Belgium
Belize
Benin
Bhutan
Bolivia
Botswana
Brazil
Bulgaria
Burkina Faso
Burundi
Cameroon
Canada
Cape Verde
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo
Cook Islands
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czechoslovakia
Democratic People's Republic of Korea
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
Equatorial Guinea
Estonia
Ethiopia
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Holy See
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kenya
Kiribati
Kuwait
Lao People's Democratic Republic
Latvia
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Lithuania
Luxembourg
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Marshall Islands
Mauritania
Mexico
Micronesia (Federated States of)
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
Russian Federation
Rwanda
Saint Lucia
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Sierra Leone
Singapore
Solomon Islands
Spain
Sri Lanka
Sudan
Swaziland

Sweden	Uganda	Uruguay
Switzerland	Ukraine	Vanuatu
Syrian Arab Republic	United Arab Emirates	Venezuela
Thailand	United Kingdom of Great Britain and Northern Ireland	Viet Nam
Togo		Yemen
Tonga		Yugoslavia
Trinidad and Tobago	United Republic of Tanzania	Zaire
Tunisia		Zambia
Turkey	United States of America	Zimbabwe
Tuvalu		

12. Palestine was represented by an observer.

13. The following United Nations offices and programmes were represented at the second part of the session: Department of Economic and Social Development of the Secretariat; United Nations Development Programme; United Nations Environment Programme; United Nations Centre for Human Settlements; the secretariat of the United Nations Conference on Environment and Development.

14. The following specialized agencies and other organizations of the United Nations system were represented at the second part of the session: Food and Agriculture Organization of the United Nations; World Bank; World Meteorological Organization; International Atomic Energy Agency.

15. The following intergovernmental organizations were also represented at the second part of the session: Asian-African Legal Consultative Committee; Caribbean Meteorological Organization; European Economic Community; OPEC Fund for International Development; Organization for Economic Co-operation and Development; Organization of the Petroleum Exporting Countries; South Pacific Regional Environment Programme.

16. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

Category I: International Chamber of Commerce

Category II: Greenpeace International; International Petroleum Industry Environmental Conservation Association; World Coal Institute; World Council of Churches; World Resources Institute.

Roster: Friends of the Earth-International; International Organization of Motor Vehicle Manufacturers; National Audubon Society; Natural Resources Defense Council; Sierra Club.

17. The following other non-governmental organizations were also represented: Alliance for Responsible CFC Policy; Alliance to Save Energy; American Gas Association; Ancient Forest International; Association of American Railroads; Australian Conservation Foundation; Brazilian NGOs Forum for UNCED; Center for Clean Air Policy; Center for the Environment (Cornell

University); Centre for Global Change (University of Maryland); Centre for Science and Environment; Climate Action Network; Climate Council; Cousteau Society; Edison Electric Institute; Environmental Defense Fund; Environmental Development Action in the Third World; Environmental and Energy Study Institute; Federation of Electric Power Companies, Japan; Fundacion Pro-Sierra Nevada de Santa Marta, Colombia; Global Climate Coalition; Global Coral Reef Alliance; Institute for International Economics; Institute for International Studies (Stanford University); International Council of Environmental Law; International Task Force (International NGOs and Social Movements Forum); National Association of Manufacturers; National Coal Association; National Rural Electric Cooperative Association; Rainforest Regeneration Institute; Royal Institute of International Affairs; School of Oceanography (University of Rhode Island); Stichting Natuur en Milieu; Stockholm Environment Institute; Tata Energy Research Institute; Union of Concerned Scientists; VERTIC; Woods Hole Research Center; Worldwatch Institute; World Wide Fund for Nature (WWF-International); World Wildlife Fund (WWF-USA).

18. The following other organization was represented by an observer: Pan-Africanist Congress of Azania.

III. COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

19. At its 7th plenary meeting, on 4 May, the Committee took stock of the progress made in negotiations since the beginning of the resumed session. The Chairman and Vice-Chairmen Djoghlaf and Estrada-Oyuela reported significant progress, although not all issues had been resolved. These would have to be finalized in the context of a global package.

20. The meeting concluded by hearing a statement from a representative of the World Wide Fund for Nature speaking on behalf of environment and development non-governmental organizations.

21. At its 8th plenary meeting, on 8 May, the Chairman introduced the draft convention contained in document A/AC.237/L.14 and its addenda, which had been prepared following consideration of document A/AC.237/CRP.1/Rev.1 and its addenda and informal consultations by the Chairman. He emphasized that these papers did not yet constitute an agreed text of a convention, but he expected that such agreement would eventually emerge. The papers had been the result of informal discussions conducted by him and Vice-Chairmen Djoghlaf and Estrada-Oyuela on three clusters of topics elaborated during earlier sessions of the Committee, by Vice-Chairman Estrada-Oyuela on legal and linguistic consistency, by Mr. Sadowski on definitions and by Ms. Dowdeswell on the topics set out in paragraph 10 (c) of this report. He invited delegations to judge the papers as a whole with a view to achieving a balanced package.

22. At the request of a group of delegations, it was agreed that the title of the Convention should read "United Nations Framework Convention on Climate Change."

23. Vice-Chairman Estrada-Oyuela reported on amendments proposed as a result of his consultations on legal and linguistic editing. Subject to further consideration of the texts the amendments were accepted for inclusion in the final text.

24. The 8th plenary meeting was adjourned for informal discussions.

25. At its 9th plenary meeting, on 9 May, which was preceded by informal discussions, the Committee considered document A/AC.237/L.14 and Add.1-10, which were available in all working languages, together with a draft resolution on interim arrangements proposed by the Chairman (A/AC.237/L.15). The Chairman referred to the delicacy of the negotiations which had resulted in a text reflecting a balance of interest. For this reason he invited the Committee to adopt the draft Convention as a package.

26. Following a discussion on the balance and acceptability of the package as a whole, a number of oral amendments to the text were accepted.

27. The Committee requested the secretariat, under the supervision of Vice-Chairman Estrada-Oyuela, to ensure, to the extent possible before the United Nations Conference on Environment and Development, the linguistic consistency of the texts of the Convention in its six languages, with a view if necessary to their rectification in accordance with the rules and procedures set forth in the Vienna Convention on the Law of Treaties. It was understood that Vice-Chairman Estrada-Oyuela would consult, as necessary, with delegations in this work.

28. The Committee, at its 9th plenary meeting, on 9 May 1992, agreed upon and adopted the text of the United Nations Framework Convention on Climate Change as contained in annex I to this report (see A/AC.237/18 (Part II)/Add.1 and Corr.1) and recommended it for signature during the United Nations Conference on Environment and Development. It was agreed that the precise date of opening for signature of the Convention would be communicated by the Depositary, the Secretary-General of the United Nations.

29. The adoption of the Convention was greeted by a standing ovation following which 38 delegations made statements. All paid tribute to the Chairman, his Bureau and the secretariat for their unstinting efforts often under challenging and sometimes difficult circumstances. Many mentioned the patience, wisdom, skill, diplomacy and leadership of the Chairman in guiding the Committee's work.

30. A number of delegations commented on the rapid environmental degradation and the particular needs of the developing countries. The potential effects of climate change would affect all countries but the impacts were likely to be greatest in the least developed countries.

31. The adoption of the Convention was described variously as an outstanding success, a historic occasion, a cause for hope. Most delegations agreed that the Convention was not an ideal one, observing that it sought to take into

account a wide range of concerns. They felt that the Convention was a carefully balanced package which was not easy to accept, but that it represented the maximum that was politically feasible and the best that could be achieved by all parties at this stage. Some delegations, however, felt that the Convention did not go far enough, in particular as regards the commitments of developed countries, the provisions for communication and review of information and those on the financial mechanism.

32. The Convention was described as a "process treaty" and an essential further step in a process of implementing a common global strategy for addressing climate change. It created a solid and comprehensive foundation for further national measures and policies. Moreover, it provided for a dynamic follow-up process including a review by the first session of the conference of the parties of policies and measures adopted by developed country parties. That session would be convened not later than one year after the entry into force of the Convention.

33. Several delegations noted that the Convention had been adopted by consensus. The negotiations had thus demonstrated a spirit of determination, cooperation and accommodation by all delegations. They agreed that the Convention was a first step towards a new era of understanding and global cooperation. Developed countries looked forward to an effective legal regime on climate change with effective and clearly defined mechanisms. Developing countries further hoped that in the coming years there would be more definite commitments on the part of their negotiating partners so that the adverse effects of climate change could be effectively mitigated while allowing for sustainable development. All parties recognized the need to work together to realize the opportunities created by the Convention.

34. Several delegations expressed some reservations over elements of the text of the Convention and four (Egypt, Kuwait, Oman and Saudi Arabia) submitted preferred alternative wordings for these. The representative of the Islamic Republic of Iran insisted that development was an inalienable right for all people and hence the acceptance of the package by his Government should not be construed as overlooking its right to development.

35. Three delegations (Bulgaria, Czechoslovakia and Turkey) reserved their positions regarding the listing of countries in the annexes to the Convention.

36. The representative of Malaysia considered that the Convention had not been negotiated in a spirit of true partnership. He commented that the text adopted had not been seen before the resumed fifth session, that important and substantive parts of the text had been drafted after consultations with the Bureau and selected delegates only and that there had been no plenary discussion. He reserved the position of his country on the Convention, and stated that he could not join in its adoption nor participate in any resolutions emanating from the meeting.

37. The representative of Portugal, on behalf of the European Economic Community and its member States declared, for the purposes of clarity, that

the inclusion of the European Economic Community and its member States in the lists in the annexes to the Convention was without prejudice to the division of competence and responsibilities between the Community and its member States, which was to be declared in accordance with paragraph 3 of article 22 of the Convention.

38. It was understood, with reference to articles 20 and 21 of the Convention, that States eligible to sign, ratify, accept, approve or accede to the Convention would include all those invited to participate in the work of the Committee.

39. The representative of Germany extended an invitation of his Government to host the first session of the conference of the parties.

40. The Executive Secretary conveyed a message from the Secretary-General of the United Nations, who expressed warm congratulations to the Chairman and all members of the Committee on the successful completion of the task entrusted to them by the General Assembly. He expressed satisfaction that such an important legal instrument, touching upon the political and economic interests of States, had been completed under the auspices of the United Nations.

41. On his own behalf, the Executive Secretary said he believed that delegations had exerted all their professional skills and character in managing to produce a meaningful convention, designed to attract the widest participation of States in a collaborative process. That process was aimed at stabilizing the concentrations of greenhouse gases in the atmosphere at a safe level. The Convention was a package the effectiveness of which would depend on the vigour with which the process was pursued; its equity would depend on the way in which obligations were fulfilled. Finally, he paid tribute to the leadership of Mr. Jean Ripert, the Chairman of the Committee.

42. Concluding the fifth session of the Committee, the Chairman said that the text of the Convention just agreed upon and adopted was a reasonable point of departure for dealing with the problem of climate change. He thanked all who had participated in its preparation and particularly all members of the Committee, the Bureau and the secretariat. He also paid tribute to the World Meteorological Organization and the United Nations Environment Programme for setting in motion international action and for continuing to support the ongoing work. Finally he dedicated the successful adoption of the Convention to the United Nations which had made the negotiations possible.

IV. REVIEW OF EXTRABUDGETARY FUNDS

43. At the 8th plenary meeting, on 8 May, the Executive Secretary introduced the document entitled "Review of extrabudgetary funds" (A/AC.237/20). He thanked all donors, national and institutional, for their contributions to both of the funds set up in connection with the work of the Committee.

44. The Executive Secretary extended thanks to the United Nations Development Programme and the United Nations Commission for Trade and Development for their help in organizing the participation in the second part of the fifth session of delegates from those developing countries supported by the special voluntary fund established under paragraph 10 of General Assembly resolution 45/212. He indicated that there were 157 countries represented at the session, with 130 from developing countries, of which an estimated 88 had been supported by the special voluntary fund. He also thanked all donors, national and institutional, for their contributions to the fund.

45. He stated that the situation of the special voluntary fund was satisfactory and that, once all payments in the pipeline were credited to the fund and all charges settled, a positive balance was expected. This balance would be used to support participation by developing countries in further intergovernmental meetings, as envisaged in the proposed resolution on interim arrangements.

46. He also noted the recent contribution by the Government of Switzerland of approximately US$ 50,000 to the secretariat as support for the participation of delegates from certain countries of Central and Eastern Europe in the work of the Committee. The contribution had allowed the participation by those countries in the second part of the fifth session of the Committee.

47. The Executive Secretary further noted that the trust fund for the negotiating process, established under paragraph 20 of General Assembly resolution 45/212, was being used, as planned, to cover secretariat expenses that could not be met by the current provisions in the United Nations programme budget.

48. The Committee took note of the document (A/AC.237/20), and the Chairman, on behalf of the Committee, thanked the Executive Secretary for his report.

V. FUTURE WORK

Report to the United Nations Commission on Trade and Development by the Chairman, on behalf of the Committee

49. At its 9th plenary meeting, on 9 May, the Committee authorized the Chairman to report on its work in completing the text of the Convention to the United Nations Conference on Environment and Development. The Chairman said that he would keep the report short and factual.

Interim arrangements

50. At its 9th plenary meeting, on 9 May, the Committee adopted resolution INC/1992/1 on interim arrangements which is attached to this report as annex II (see A/AC.237/18 (Part II)/Add.1 and Corr.1).

VI. ADOPTION OF THE REPORT

51. At its 9th plenary meeting, on 9 May, the Committee considered the draft report on the second part of its fifth session (A/AC.237/L.13). In the unavoidable absence of the Rapporteur, the Committee agreed that the Executive Secretary should complete the report, under the guidance of the Rapporteur.

52. The Committee adopted the draft report as amended, authorizing the Executive Secretary, under the guidance of the Rapporteur, to reflect therein the proceedings of the 8th and 9th plenary meetings and to make any necessary editorial changes.

ANNEX I

United Nations Framework Convention on Climate Change

(For full text, see document A/AC.237/18 (Part II)/Add.1 and Corr.1)

ANNEX II

Resolution INC/1992/1, entitled "Interim arrangements", adopted by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

(For full text, see document A/AC.237/18 (Part II)/Add.1)

ANNEX III

List of documents before the Committee at the second part of its fifth session

A/AC.237/18 (Part I)	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of the first part of its fifth session, held at New York from 18 to 28 February 1992
A/AC.237/19	Annotations to the questions for consideration at the second part of the fifth session
A/AC.237/20	Review of extrabudgetary funds
A/AC.237/Misc.21 and Add.1	Technical review of the revised text under negotiation
A/AC.237/Misc.22/Rev.1	Revised provisional list of participants
A/AC.237/CRP.1/Rev.1 and Add.1-8	Working papers by the Chairman
A/AC.237/L.13	Draft report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of the second part of its fifth session, held at New York from 30 April to 9 May 1992
A/AC.237/L.14 and Add.1-10	Completion of a framework convention on climate change: draft proposed by the Chairman
A/AC.237/L.15	Draft resolution proposed by the Chairman on interim arrangements

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